

proposes providing a recordable type memory medium and a rewritable memory medium to prevent a decrease in the efficiency of searching a great amount of accumulated information (col. 1, lines 51-55). More particularly, Takada discloses a controller 6 that is connected to electronic file units 2a and 2b that transmit and receive image information D to and from the controller 6 and store the image information D in a memory medium (col. 2, lines 17-28). The memory medium used in file unit 2a is of write-once type and the memory medium used in file unit 2b is of erasable type (col. 2, lines 30-33). The files are maintained such that all the image information D is stored in a memory medium used in file unit 2a, and of the image information stored in file unit 2a, the more frequently used image information is also stored in file unit 2b such that more frequently used image information can be accessed quicker.

The external memory unit 5 stores search data on the information stored in electronic file units 2a, 2b, condition data as to whether or not the information stored in electronic file unit 2a should be copied into electronic file unit 2b, data as to whether or not the information should be stored in file unit 2b, and condition data for determining whether or not certain data should be erased from file unit 2b. Therefore, in Takada, the controller 6 controls the information filing apparatus in view of the frequency of use of each image information D and does not in any way associate each image information D and/or the history of use of an image information D with an image provider. The controller 6 of Takada controls the content of the external memory unit 5 completely independently of the source of the image information D and does not even identify the image provider. Thus, Takada does not disclose or suggest a controller that controls a storing condition for each image provider, as recited in independent claims 1, 22 and 41.

For at least these reasons, Takada fails to disclose or suggest the combination of features recited in each of independent claims 1, 22 and 41 including, *inter alia*, a controller (or step) that controls a storing condition for each image provider by designating, based on

the history of use or the history of orders, at least one of an amount of memory space that each image provider may utilize or a number of digital image data that each image provider may store in the memory. Nishikawa fails to overcome the deficiencies of Takada discussed above, with regard to independent claims 1, 22 and 41.

With regard to independent claim 24, for the reasons discussed above with regard to independent claims 1, 22 and 41, Applicant submits that Takada also fails to disclose or suggest the combination of features recited in claim 24 including, *inter alia*, a recorder that records a history of use, the history of use including a total number of orders for all the image data provided by each of the plurality of image providers.

Thus, Takada, alone or in combination with Nishikawa, fails to disclose or suggest all the features recited in independent claims 1, 22, 24 and 41 and dependent claims 2-21, 23, and 45-47. It is respectfully requested that the rejections be withdrawn.

Claims 24-28 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,509,900 issued to Ohsawa et al. (Ohsawa) in view of Takada.

In response to Applicant's April 16 and December 14, 2004 Amendments, page 8 of the Office Action states "Applicant argued that Ohsawa does [not] disclose [sic] a recorder that records a history of use including a total number of orders for all the images data provided by each of the plurality of image providers." However, in the December 14 Amendment, Applicant argued that both Takada (*see* page 11, lines 8-12) and Ohsawa (*see* page 12, lines 6-9) fail to disclose a recorder including all the features recited in claim 24. That is, both Ohsawa and Takada fail to disclose or suggest, *inter alia*, a recorder that records a history of use, the history of use including a total number of orders for all the image data provided by each of the plurality of image providers, as recited in claim 24.

The Office Action acknowledges that Ohsawa fails to disclose a recorder including all the features recited in claim 24, but asserts that Takada overcomes this deficiency. As

discussed above with regard to independent claims 1, 22, 24 and 41, however, Takada fails to even mention identifying or keeping track of the "source" or "provider" of the information. Thus, Takada fails to disclose or suggest recording a history of use including a total number of orders for all the image data provided by each of the plurality of image providers. For at least these reasons, Applicant submits that Ohsawa, alone or in combination with Takada, fails to disclose or suggest all the features recited in independent claim 24 and dependent claims 25-28. It is respectfully requested that the rejection be withdrawn.

Claims 34, 35 and 40 are rejected under 35 U.S.C. §103(a) over Ohsawa in view of Nishikawa. The rejection is respectfully traversed for at least the following reasons.

In response to Applicant's April 16 and December 14, 2004 Amendments, pages 8 and 9 of the Office Action states that the "examiner recognizes that references can not be arbitrarily combined." In the December 14 Amendment, Applicant also asserted that Ohsawa and Nishikawa fail to disclose each of the features recited in claims 34, 35 and 40.

The object of Ohsawa is to provide an image management apparatus that increases the cache hit ratio of a requested image and shortens the user's average waiting time (Abstract), and thus in Ohsawa, the user specifically requests an image. That is, in Ohsawa, no images are proposed to a user. Because no images are proposed to a user of the image management apparatus of Ohsawa, a user may not accept and/or make a selection from proposed data or elements. Accordingly, Ohsawa does not disclose or suggest the steps of proposing a plurality of groups of optional digital image data or elements, or accepting selections of the digital image data or elements by each user.

Nishikawa also fails to overcome the deficiencies of Ohsawa, as applied to claims 34, 35 and 40. The object of Nishikawa is to provide an image processing apparatus that can reproduce a color in a displayed image (col. 2, lines 31-32) by providing a color palette control mode 511 and a printer selector 515 that selects one printer to be used in the system

from among a plurality of drivers in a printer driver group 519 (col. 10, lines 31-42).

Nishikawa does not disclose or suggest proposing a plurality of groups of optional digital image data or elements and accepting a selection of the proposed optional image data or elements by a user.

For at least these reasons, Applicant submits that the combination of Ohsawa and Nishikawa fails to disclose or suggest the combination of features recited in each of independent claims 34, 35 and 40 including, *inter alia*, proposing a plurality of groups of optional digital image data or elements for selection by a plurality of users and accepting the selections. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

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